

FILED
05-16-2022
George L. Christenson
Clerk of Circuit Court
2022CV003147
Honorable Christopher R.
Foley-14
Branch 14

STATE OF WISCONSIN**CIRCUIT COURT****MILWAUKEE COUNTY****JONATHAN CARRERO**

5500 South Saint Marys Drive
New Berlin, WI 53151

AUBERY J. CARRERO

5500 South Saint Marys Drive
New Berlin, WI 53151

Plaintiffs,

CASE NO
CASE CODE: 30101

**COMPCARE HEALTH SERVICES
INSURANCE CORPORATION**

A Domestic Corporation
N17 W24340 Riverwood Road
Waukesha, Wisconsin 53188

Registered Agent:

CT Corporation System
301 South Bedford Street
Suite 1
Madison, WI 53703

Amount Claimed is Greater
than \$10,000.00

Involuntary Plaintiff

V.

MARK E. TESSENDORF

2801 Foliage Lane
Rockford, IL 61109

C.H. HALL TRUCKING INC.

A Domestic Corporation.
7465 North Stillman Road
Stillman Valley, IL 61084

Registered Agent:

Christopher H. Hall
7465 North Stillman Road
Stillman Valley, IL 61084

AEGIS SECURITY INSURANCE COMPANY #33898

A Foreign Corporation.

2407 Park Drive
Suite 200
PO Box 3153
Harrisburg, PA 17105-3153
Registered Agent:
CT Corporation System
301 South Bedford Street
Suite 1
Madison, WI 53703

Defendants.

SUMMONS

THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint which is attached states the nature and basis of the legal action.

Within forty-five (45) days after receiving this Summons, you must respond with a written Answer, as the term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Circuit Court for Milwaukee County whose address is 901 North 9th Street, Milwaukee, Wisconsin 53233, and to the Plaintiff's attorney, Phillip S. Georges, whose address is 2303 21st Avenue South, Suite 204, Nashville, Tennessee 37212. You may have an attorney help or represent you.

If you do not provide a proper Answer within forty-five (45) days, the Court may grant Judgment against you for the awards of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A

Judgment may be enforced as provided by law. A Judgment awarding money may become a lien against any real estates you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated at Nashville, Tennessee this 16 day of May, 2022.

PHILLIP S. GEORGES, PLLC
Attorneys for Plaintiff, Jonathan Carrero

By: 

Phillip S. Georges
State Bar No: 1056511

POST OFFICE ADDRESS:

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Nashville, Tennessee 37212

Phone: (615) 486-4115, Ext. 700

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Defendants.

COMPLAINT

COMES NOW the Plaintiff, JONATHAN CARRERO, by his attorneys, PHILLIP S. GEORGES, PLLC, by Attorney Phillip S. Georges, and allege as follows:

1. That the Plaintiff, JONATHAN CARRERO, is an adult individual residing at 5500 South Saint Marys Drive, in the City of New Berlin, County of Waukesha, State of Wisconsin 53151.
2. That the Plaintiff, AUBREY J. CARRERO, is an adult individual residing at 5500 South Saint Marys Drive, in the City of New Berlin, County of Waukesha, State of Wisconsin 53151
3. That the Involuntary Plaintiff, COMPCARE HEALTH SERVICES INSURANCE COMPANY, is a domestic corporation, with its principal offices located at N16 W24340 Riverwood Road, Waukesha, Wisconsin 53188, and at all times material herein was the Medicaid health insurance company providing monies for health care services, provide to the Plaintiff Jonathan Carrero, as a result of the injuries he sustained in the alleged incident. That Plaintiff, Jonathan Carrero, alleges doubt as to whether Involuntary Plaintiff, COMPCARE HEALTH SERVICES INSURANCE COMPANY, is truly subrogated or interested in this action, but that said Involuntary Plaintiff is joined as a party for the purposes of complying with the provisions of §803.03, Wis. Stats.
4. That the Defendant, MARK TESSENDORD, is an adult individual residing at 2801

Foliage Lane, City of Rockford, County of Winnebago, State of Illinois 61109.

5. That the Defendant, C.H. TRUCKING INC., is an Illinois corporation incorporated and existing under the laws of the State of Illinois, with its principal place of business located at 7465 North Stillman Road, Stillman Valley, IL 61084 and has designated Christopher H. Hall as its registered agent for service of process in the State of Illinois.

6. That Defendant, AEGIS SECURITY INSURANCE COMPANY, (hereinafter "Aegis Security") is a foreign corporation organized and existing under the laws of the State of Illinois, with its principal offices located at 2407 Park Drive, Suite 200, Harrisburg, Pennsylvania, and whose registered agent for the purpose of service of process CT Corporation System, 301 South Bedford Street, Suite 1, City of Madison, County of Dane, State of Wisconsin 53703; that Defendant, AEGIS SECURITY INSURANCE COMPANY, was at all times material herein, the liability insurance carrier of Defendant, C.H. TRUCKING INC., pursuant to §803.04(2), Wis. Stats., and is a proper party Defendant by reason of the terms of its policy and the laws of the State of Wisconsin.

JURISDICTION

7. Paragraphs 1 through 6 are hereby incorporated by reference and re-alleged as if fully restated herein.

8. This complaint was filed within the applicable statute of limitations.

9. Jurisdiction and venue are proper in this Honorable Court because the City of Greenfield in Milwaukee County, Wisconsin is the city and county in which the subject incident giving rise to this Complaint took place.

NELGIGENCE

10. Paragraphs 1 through 9 are hereby incorporated by reference and re-alleged as if fully

restated herein.

11. On or about February 25, 2021, in Greenfield, Milwaukee County, Wisconsin, Mark E. Tessendorf was operating a 2008 Peterbilt Motor TR Tractor Trailer and traveling northbound on US-45.

12. Upon information and belief, the 2008 Peterbilt Motor TR Tractor Trailer was operated by Defendant Mark E. Tessendorf on behalf of his employer, Defendant C.H. Hall Trucking Inc.

13. Mr. Carrero was traveling north on US-45 at or near the interchange of Hale, when traffic started to slow down due to traffic merging into the travel lanes.

14. Defendant Mark E. Tessendorf was traveling northbound on US-45, when he failed to keep a safe distance and slow down as traffic started to slow down abruptly causing.

15. Defendant Tessendorf's failure to keep a safe distance and slow down caused his tractor-trailer to strike the rear of Plaintiff's white van, in which Jonathan Carrero was a restraint drier, thereby causing Jonathan Carrero's injuries and damages as hereafter described.

16. Defendant, C.H. Hall Trucking Inc. is liable to Plaintiff herein pursuant to the theory of *respondent superior*, in that they are liable for the acts of their employees, servants, agents, and/or representatives, and/or volunteers, including, but not limited to, Defendant Tessendorf.

17. The foregoing acts of negligence on the part of Defendant Tessendorf, while in the scope and course of his employment with Defendant C.H. Hall Trucking Inc., was the direct and proximate cause of the injuries and damages sustained by Plaintiff, Jonathan Carrero.

18. That as a result of the foregoing acts of negligence on the part of Defendant, C.H. Hall Trucking Inc., the Plaintiff, Jonathan Carrero, sustained permanent injuries to his body and suffered emotional distress; that he was required to seek medical attention; that he may be required to seek additional and continued medical attention in the future and to expend large

sums of money for medical attention; that he was unable to maintain his employment for a period of time, and may continue to be so restricted; and that he was unable to engage in normal activities for a period of time, and may continue to be restricted, all to his damage.

PLAINTIFF AUBREY J. CARRERO'S LOSS OF CONSORTIUM CLAIM

19. Paragraphs 1 through 18 are hereby incorporated by reference and re-alleged as if fully restated herein.

20. Plaintiff Aubrey J. Carrero is the spouse of Plaintiff Jonathan Carrero and was so on February 25, 2021.

21. By reason of the injuries and damages incurred by Plaintiff Jonathan Carrero as a result of Defendant Mark E. Tessendorf's and Defendant C.H. Hall Trucking Inc's negligence and negligence *per se*, Plaintiff Aubrey J. Carrero has suffered the loss of services, assistance, aid, society, companionship and conjugal relationship which were then, and are still, of great value to her.

22. Plaintiff Aubrey J. Carrero's damages for loss of consortium are in an amount in excess of the minimum dollar amount necessary to establish the jurisdiction of this court.

23. As a result of Defendants Tessendorf and C.H. Hall Trucking Inc.'s negligence and negligence *per se*, the Defendants Tessendorf and C.H. Hall Trucking, Inc are liable to Plaintiff Aubrey J. Carrero for compensatory damages for her loss of consortium as set forth herein.

WHEREFORE, Plaintiff, Jonathan Carrero, demands judgment against the Defendants, Mark E. Tessendorf and C.H. Hall Trucking Inc. as follows:

1. On behalf of Plaintiff, Jonathan Carrero, in an amount to be determined by the trier of facts together with the pre-judgment and post-judgment interest, costs, attorney fees and disbursements of this action;

2. That in the event of settlement or verdict in favor of the Plaintiff, Jonathan Carrero, said Plaintiff demands judgment for an Order declaring Plaintiff, Jonathan Carrero, rights to such settlement/verdict proceeds paramount to those of any subrogated party;

**PLAINTIFF HEREBY DEMANDS THAT THE ABOVE ENTITLED ACTION BE
TRIED BY A JURY OF TWELVE (12) PERSONS**

Dated at Nashville, Tennessee this 16 day of May, 2022.

PHILLIP S. GEORGES, PLLC
Attorneys for Jonathan Carrero

By: 

Phillip S. Georges, Esq.
State Bar No: 1056511

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phil@wolfpacklawyers.com
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